

REMARKS

Claims 54, 56, 60, 62, 64, 66, 76, 133, 134 and 137 were pending. Claims 54, 56, 60, 64, 76, 133 and 137 are allowed.

Claim 134 has been canceled. No new matter has been added.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claim 134 under 35 U.S.C. § 112, second paragraph, as indefinite. The Examiner states that it is unclear how claim 134 further limits the scope of claim 56.

Applicant has canceled claim 134. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection made under 35 USC 112, second paragraph.

Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claim 62, 66 and 134 under 35 U.S.C. § 112, first paragraph, as not enabled.

Applicant has canceled claim 134 and respectfully requests reconsideration and withdrawal of the rejection as to that claim. Applicant also respectfully requests reconsideration and withdrawal of the rejection of claims 62 and 66 in view of the following.

The Examiner indicates that the specification is enabling for certain uses of the claimed nucleic acids (page 3 of the Office Action). The Examiner states that “the specification is not enabling for the immunotherapy of cancer” (page 3 of the Office Action).

Applicant wishes to respectfully point out that the claims are not directed to immunotherapy. Applicant does not require that the presently claimed nucleic acids or host cells be used for immunotherapy. Moreover, the application does not contain any method claims at all.

Therefore, the comments of the Examiner regarding the lack of enablement are not applicable to the invention as it is claimed. The addition of a nucleic acid encoding a MHC molecule to the claimed nucleic acid molecules does not cause the claims to fail for lack of enablement. One of ordinary skill in the art knows of nucleic acids encoding MHC molecules, and how to combine these with Applicant's nucleic acids, to produce the nucleic acids that are claimed.

Moreover, the addition of nucleic acids encoding a MHC molecule does not imply or require use of the claimed nucleic acids and/or cells for immunotherapy. For example, the Examiner has indicated on page 3 of the Office Action that the claimed nucleic acids are enabled by the specification.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 62 and 66 under 35 USC 112, first paragraph.

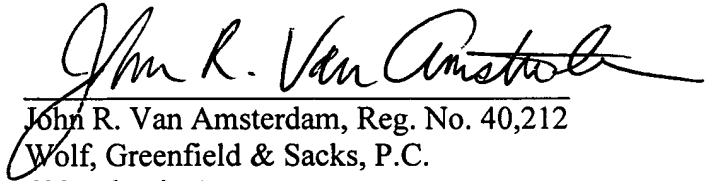
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee

occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

A handwritten signature in black ink, reading "John R. Van Amsterdam". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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